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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 449122010700	
		Application Number 09/937,344	Filed February 14, 2002
		First Named Inventor Egon SCHULZ	
		Art Unit 2617	Examiner B. J. Miller
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 43,148</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.</p> <p><i>Kevin R. Spivak</i> Signature</p> <p>Kevin R. Spivak Typed or printed name</p> <p>(703) 760-7762 Telephone number</p> <p>January 24, 2007 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of 1 forms are submitted.</p>			

JAN 24 2007

DOCKET NO. 449122010700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Egon SCHULZ

Application No.: 09/937,344

Art Unit: 2683

Filed: February 14, 2002

Examiner: B. J. Miller

For: METHOD AND BASE STATION FOR
ALLOCATING A CHANNEL REQUIRED FOR
A RADIO TRANSMISSION

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests review of the final rejection mailed September 13, 2006, for the reasons below.

REMARKS

I. CLAIMS 1-8 STAND IMPROPERLY REJECTED UNDER 35 USC 103(A) AS UNPATENTABLE OVER GORSUCH IN VIEW OF JAMAL

Claims 1-8 continue to be rejected under 35 USC 103(a) as unpatentable over Gorsuch in view of Jamal. The rejection is respectfully traversed.

In the present invention, the channel resources are assigned to a single mobile station via a common channel description, i.e. as disclosed in the specification and drawings. The individual channel resources are identified by, for example, code numbers, frequency numbers, etc. The additional information about the order of the transmission of data, i.e. the utilization of

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the channel resources, now enables the receiver to recover data in the order in which it was mapped to the channel resources at the transmitter.

As stated by the Examiner, Gorsuch fails to disclose a common channel description, as required by the claimed invention. However, the Examiner comments that Jamal teaches this limitation. Applicant respectfully disagrees.

Jamal discloses a method for an implicit resource allocation in a radio communication system. According to Jamal, and the Examiner, a base station of a radio access network transmits parameters in a downlink common control channel, the parameter relating to system identification, base station identifier, cell identifier, common channel information, etc., which enable a mobile station receiving these parameters to subsequently initiate an access procedure to the base station. According to Fig. 4 and the corresponding description in col. 7, lns. 54-59, after having received these parameters, the mobile station decides whether it requires the setup of a dedicated channel resource, and if yes, transmits a request for a traffic channel on an uplink common control channel. However, Jamal fails to disclose a common channel, i.e. a description related to a plurality (or number) of channels, nor does it disclose any information related to the order in which the plurality of channels may be used to transmit data for one transmission direction, as required by the claimed invention. See, for example, claim 1 requiring assigning channels (plural), assigning a number of channel resources to the subscriber station for one transmission direction via a common channel description, and the channel description includes information about utilization of the channel resources during the radio transmission, which specifies the order of the transmission of data for the one transmission direction. Jamal, on the other hand, discloses sending information between a base station and multiple subscribers (see, for example, col. 3, lns. 31-51 and; claim 1, col. 10, stating the mobile station receives broadcast parameters).

In response to the Arguments presented in the April 20, 2006 Amendment and the Response filed with Request for Continued Examination, the Examiner mailed an Advisory Action and subsequent Non-Final Office Action dated July 24, 2006, respectively, commenting that the arguments do not place the application in condition for allowance because "[t]he combination of Gorsuch and Jamal teaches a device as claimed. Jamal teaches synchronizing to

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a selected downlink common control channel and acquiring specific parameters from the selected common control channel including common channel information (see col. 7, lines 39-50), this relates to applicant's claimed 'a common channel description transmitted to the subscriber station'. Gorsuch and Jamal are combinable in that the [sic] both relate to efficient resource allocation in communication systems that handle a variable number of users (Gorsuch, col. 3, lines 62-67) and (Jamal, col. 2, lines 51-53)." The Examiner also states that the "features upon which applicant relies (i.e. a description related to a plurality (or number) of channels, and information related to the order in which the plurality of channels may be used to transmit data for one transmission direction) are not recited in the rejected claims(s)." Applicant respectfully disagrees.

The Examiner clearly believes that the claimed invention does not require a common channel, i.e. a description related to a plurality (or number) of channels, and information related to the order in which the plurality of channels may be used to transmit data for one transmission direction. Rather, the Examiner simply states that Jamal teaches "a common channel description transmitted to the subscriber station" and that limitations may not be read into the claims from the specification. However, there is no disclosure in Jamal of the number of channels or the order in which the channels may be used to transmit data. In fact, the clear language of the claims demonstrates that Jamal fails to disclose a method of assigning channels (plural) for transmission, which includes assigning a number of channel resources, and the order of transmission, as required by the claimed invention.

Additionally, while the Examiner notes that Gorsuch and Jamal are "combinable" because they "the channel resource assignor in Gorsuch does transmit channel assignment information to multiple subscriber stations and it would allow for efficient resource allocation in a radio communication system[.]" there is no reason why the skilled artisan would have been motivated to combine the references. Here, there is simply no reason why that would have occurred. More specifically, in Gorsuch, a number of channel resources are assigned to a number of subscriber units. In Jamal, on the other hand, information is sent between a base station and multiple subscribers. That is, the mobile stations in Jamal receive broadcast parameters. However, the parameters transmitted by the base station in Jamal do not contain any common channel description showing number of channels and/or the order. Therefore, it would

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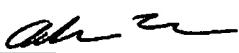
logically follow that a skilled artisan, with the knowledge of Gorsuch and Jamal, would at best transmit separate channel parameters for each of the number of channels when assigning the channels to a mobile station. They would not, however, arrive at the claimed invention.

In view of the above, it is believed that the sole pending rejection should be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122010700.

Dated: January 24, 2007

Respectfully submitted,

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